

REMARKS

Claims 96-106 are pending. By this Amendment, claims 96, 97, 101 and 102 are amended. No new matter has been added by way of these amendments. The following remarks are limited to the rejections asserted by the Examiner with respect to the pending independent claims. Each of the dependent claims is allowable for the same reasons provided hereinbelow for amended independent claims 96 and 101, from which claims 97-100 and 102-106 depend.

35 USC § 103 – Johnson in view of Cowsert

Claim 96 stands rejected under 35 USC § 103(a) over Johnson in view of Cowsert. Applicant respectfully traverses this rejection as neither Johnson nor Cowsert teach or suggest, alone or in combination, the door of amended independent claim 96.

In particular, neither Johnson nor Cowsert teach or suggest, in combination with the other recited limitations, a “generally rigid screen end portion operably coupled to said flexible screen and extending generally transverse to and into said screen tracks,” with the screen end portion “having a coupling portion extending substantially along the length of said generally rigid screen end portion between said screen tracks,” or “a screen insert coupling mechanism extending transverse to the screen tracks and extending between the first screen track and the second screen track for operably coupling said door insert and said screen along said coupling portion to distribute coupling pressure substantially along said coupling portion,” wherein the door includes “a spline connector to provide lengthwise operable slidable coupling of said generally rigid screen end portion with said coupling mechanism.” In addition, neither reference teaches or suggests a “spring biasing element cooperatively, operably placing tension on said screen such that said screen edge portions are generally retained between respective screen engaging elements, with a plurality of stop positions provided for said generally rigid screen end

portion along the path of travel between said insert raised position and said insert lowered position.”

Even if Johnson depicts the strengthening edge frame (40) extending past the cover strips (112, 114) when the window panel is in the fully raised position, Johnson fails to teach a plurality of stopping positions for its frame (40) along the strips between a raised and lowered position. First, Johnson only teaches that the locking means (108, 110) are utilized to tighten the screen in place “after storage of the glass panels.” Johnson, Col. 3, lines 63-64. Further, Johnson teaches away from the door of amended claim 96, having screen edge portions retained between respective screen engaging elements “to facilitate a plurality of stop positions for said generally rigid screen end portion along the path of travel between said insert raised position and said insert lowered position.” *See* MPEP § 2141.02. Johnson’s locking means “extend the height of the opening 14 in the door” and contain structure within the strips (112, 114) that prevent stopping the frame (40) at a plurality of positions prior to the lowered storage position. *Id.* at Col. 3, lines 37-53. The frame (40) of Johnson would prevent the rotating protrusions (109, 111) of the locking means (108, 110) from rotating into position within the strips to ensure “a tight relationship of the screen 36.” *Id.* As a result, such tightening cannot be achieved until the frame (40) of Johnson has reached the lowered storage position outside of the strips.

In addition, the welts (24, 26) of the Cowsert reference cannot be combined with the teachings of Johnson to arrive at the claimed invention of amended claim 96. Neither reference teaches or suggests a spline connector for utilization with door components to “provide lengthwise operable slidable coupling” of a “generally rigid screen end portion” with a “screen

insert coupling mechanism.” Cowsert merely teaches groove (18, 20) and welt (24, 26) structures for use with convertible tops for automobiles. Cowsert, Col. 3, lines 1-12; Fig. 3. One of ordinary skill in the art of the present invention would not consider or look to such a non-analogous art as it is not pertinent, nor would it have commended itself to the inventors’ attention. *See* MPEP § 2141.01(a).

In view of the foregoing reasoning, Applicant respectfully requests withdrawal of the rejection of independent claim 96, and all claims depending therefrom, under 35 U.S.C. § 103(a).

35 USC § 103 – Johnson in view of Kemp

Claim 101 stands rejected under 35 USC § 103(a) over Johnson in view of Kemp. Applicant respectfully traverses this rejection as neither Johnson nor Kemp teach or suggest, alone or in combination, the door of amended independent claim 101.

In particular, neither Johnson nor Kemp teach or suggest, in combination with the other recited limitations, “a generally rigid screen attachment element operably coupled to said flexible screen and extending into said screen tracks,” with the attachment element “having a coupling portion extending substantially along the length of said generally rigid screen attachment element between said screen tracks” or “a one piece interface element for operably, detachably interconnecting said insert and said screen” such that the one piece element presents “an abutment surface extending generally transverse to the screen tracks and extending between the first screen track and the second screen track for abutably, operably detachably engaging said generally rigid screen attachment element along said coupling portion to distribute coupling pressure substantially along the length of said coupling portion.” In addition, neither reference

teaches or suggests a “spring biasing element cooperatively, operably placing tension on said screen such that said screen edge portions are generally retained between respective screen engaging elements, with a plurality of stop positions provided for said generally rigid screen attachment element along the path of travel between said insert raised position and said insert lowered position.”

Applicant repeats the arguments advanced hereinabove that Johnson teaches away from providing “a plurality of stop positions” for a “generally rigid screen attachment element along the path of travel between said insert raised position and said insert lowered position,” as required in amended claim 101. In addition, Kemp fails to teach or suggest, in combination with the other recited limitations, the claimed “coupling portion” extending substantially along the length of said generally rigid screen attachment element “for abutably, operably detachably engaging” the “engagement element” “along said coupling portion to distribute coupling pressure along the length of said coupling portion,” as required in amended claim 101. Kemp merely teaches coupling of the screen and window at centrally located hooks (154, 146). Kemp, P. 4, lines 37-67. There is no teaching or suggestion for coupling the screen and window substantially across the length of such a coupling portion between the screen tracks. While the screen cross bar (138) of Kemp is received by the guides (30), the cross bar (138) only connects to the window by the isolated central hooks (154, 146), and not across the length between the guides (30). *Id.*; Fig. 4. Further, there would be no motivation to combine Kemp with a reference such as Johnson to arrive at the claimed invention as Kemp teaches a roll of screen (32) mounted at the sill (27) of the door. Such a sill-mounted configuration cannot utilize the “weight of said insert and said spring biasing element” to “cooperatively, operably placing

tension on said screen such that said screen edge portions are generally retained between respective screen engaging elements,” as required by amended claim 101. Conversely, the downward weight of the Kemp window would promote buckling of the screen.

In view of the foregoing reasoning, Applicant respectfully requests withdrawal of the rejection of independent claim 101, and all claims depending therefrom, under 35 U.S.C. § 103(a).

Obviousness-Type Double Patenting

Claims 96-106 stand rejected under the judicially created doctrine of obviousness-type double patenting in view of related US Patent No. 6,618,998. The Office Action states that a timely filed terminal disclaimer in compliance with 37 CFR 1.321 may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application.

Applicant is the owner of related US Patent No. 6,618,998. Applicant has submitted herewith a terminal disclaimer in compliance with 37 CFR 1.321.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James H. Patterson", is written over the typed name.

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